

EXHIBIT 2

Declaration of Jaclyn Maffetore

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

No. 3:22-cv-00191

THE NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY,
et al.,

Defendants.

DECLARATION OF JACLYN MAFFETORE

1. My name is Jaclyn Maffetore. I am lead counsel for the plaintiff, Mrs. Kanautica Zayre-Brown, who is a prisoner in the custody of defendant North Carolina Department of Public Safety (DPS). I make this declaration based on personal knowledge.

2. I am currently employed as a Staff Attorney for the American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NC).

3. On March 17, 2022, I spoke with Sharon Baldwin, Visitation Officer at Anson Correctional Institution (Anson CI) via telephone. I explained that I needed to schedule an in-person visit for March 30, 2022 with myself, other ACLU-NC attorneys, and a doctor we had retained to evaluate our client. In addition to the evaluation, the purpose of the visit would be for Mrs. Zayre-Brown to review and sign legal documents in a timely manner. Ms. Baldwin said she would need a formal

request on letterhead indicating the date, time, attendees, and items we would need to bring into the prison, as well the doctor's photo identification and credentials.

4. On March 18, 2022, I emailed Ms. Baldwin our formal request for a March 30 contact legal visit on letterhead and the required identifications and credentials, consistent with our March 17 phone conversation. A true and correct copy of my email correspondence with Ms. Baldwin is attached as Exhibit A.

5. On March 21, 2022, Ms. Baldwin responded to my request stating that she was still waiting on permission. *See Ex. A at 3.*

6. On March 22, 2022, I asked Ms. Baldwin if she could confirm our requested legal contact visit with our client, Mrs. Zayre-Brown, since we had to make travel arrangements. *See Ex. A at 3.*

7. On March 23, 2022, Ms. Baldwin stated that our request was being reviewed. *See Ex. A at 2.*

8. The morning of Thursday, March 24, 2022, nearly a week after making our formal request, I received a call from Miranda Richardson (Warden of Anson CI) who informed me that Dr. Ettner's attendance would not be approved unless I amended our request to include the fact that Dr. Ettner would be attending in order to provide an evaluation. This was the first time any prison personnel communicated the need for this information.

9. Following the telephone call with Ms. Richardson, I immediately emailed both Ms. Baldwin and Ms. Richardson an updated version of our formal

request that reflected that Dr. Ettner's attendance was needed for her to conduct an evaluation of our client in connection with contemplated litigation. *See* Ex. A at 1-2.

10. On March 25, 2022, I emailed Jodi Harrison (Deputy General Counsel for DPS) regarding my request and the sequence of events that followed. I asked that she help facilitate the requested visit. A true and correct copy of my email correspondence with Ms. Harrison is attached as Exhibit B.

11. Later that day, Ms. Harrison responded that an evaluation by a doctor is not a legal visit. She attached the DPS visitation policy and said she would advise the facility that the doctor's visit should be disapproved. *See* Ex. B at 3.

12. Following this email, I received an email from Ms. Baldwin stating our request for Dr. Ettner to be present had been denied. *See* Ex. A at 1.

13. I explained to Ms. Harrison that Dr. Ettner had been retained to consult upon and assist with Mrs. Zayre-Brown's legal representation. I asked if it was her position that Dr. Ettner's visit would not be allowed under the DPS policy under any circumstance (e.g. not even under provision (f) which allows for "special visitors"), or simply that she does not qualify for a "legal" visit. I also asked if there was another DPS policy that applied to this situation. *See* Ex. B at 3.

14. Ms. Harrison responded that the requested visit did not qualify as a legal visit, and that no other policy authorized the requested visit. *See* Ex. B at 2.

15. On March 28, 2022, I wrote to Ms. Harrison stating that DPS was acting unlawfully by denying our client access to an expert retained by her own legal team for the purpose of contemplated litigation. *See* Ex. B at 1-2.

16. On March 29, 2022, Ms. Harrison stated that she “want[ed] to be clear” that DPS was “not permanently foreclosing a visit by a medical expert in the context of litigation, but that was not the situation with Ms. Zayre-Brown.” *See* Ex. B at 1.

17. Plaintiff filed her Complaint in this action on April 28, 2022.

18. The first date on which Plaintiff’s counsel and Dr. Ettner were available to travel to Anson CI following the filing of the complaint was Friday, May 13, 2022.

19. On May 2, 2022, my colleague Dan Siegel, Staff Attorney with ACLU-NC, emailed Defendants’ counsel seeking to schedule an in-person visit on May 13, 2022 for Dr. Ettner to conduct her evaluation. A true and correct copy of Mr. Siegel’s correspondence with Defendants’ counsel, on which I was copied, is attached as Exhibit C.

20. On May 4, 2022, Defendants’ counsel replied to this email indicating that a Friday visit would not be possible, but that the facility could accommodate a visit with Dr. Ettner on a Wednesday. Defendants’ counsel referred Mr. Siegel to Ms. Harrison for further coordination. *See* Ex. C at 2.

21. On May 4, 2022, Mr. Siegel emailed Ms. Harrison to coordinate an in-person visit, and inquired whether the facility could accommodate a confidential video call to allow more flexibility in scheduling. Ms. Harrison indicated that she would confer with the facility to find out. A true and correct copy of Mr. Siegel’s correspondence with Ms. Harrison, on which I was copied, is attached as Exhibit D.

22. On May 10, 2022, after follow-up from Mr. Siegel, Ms. Harrison responded that Anson CI could not accommodate a 3-hour video call in lieu of an in-

person visit, and that an in-person visit would need to take place on a Wednesday or possibly a Tuesday. *See* Ex. D at 3.

23. The first Tuesday or Wednesday on which Plaintiff's counsel and Dr. Ettner were available to travel to Anson CI was May 25, 2022.

24. On May 11, 2022, Mr. Siegel requested an in-person visit for Dr. Ettner to conduct her evaluation on May 25, 2022, and indicated that travel arrangements would need to be made. In response, Ms. Harrison indicated that her paralegal Ms. Sayball would finalize scheduling. *Id.*

25. On May 17, 2022, I responded to Ms. Harrison and Ms. Sayball seeking confirmation of the May 25, 2022 visit and reiterating the need to make travel arrangements, which Ms. Sayball confirmed.

26. I accompanied Dr. Ettner to Anson CI on May 25, 2022 to ensure that she was permitted access to Plaintiff, and Dr. Ettner conducted her evaluation of Plaintiff on that date.

Pursuant to 28 U.S.C. § 1746, I declare that the foregoing is true and correct.

Dated: 8/2/2022



Jaclyn Maffetore

EXHIBIT A

Re: [External] Request for Legal Visit with Prisoner Kanautica P. Zayre-Brown, OPUS No. 0618705 on March 30, 2022

Baldwin, Sharon <Sharon.Baldwin@ncdps.gov>

Fri 3/25/2022 10:46 AM

To: Jaclyn Maffetore <jmaffetore@acluofnc.org>; Richardson, Miranda <Miranda.Richardson@ncdps.gov>; Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; rettner@aol.com <rettner@aol.com>; Michele Delgado <mdelgado@acluofnc.org>

This Message Is From an External Sender

This message came from outside your organization.

Good Morning,

After consulting with the General Counsel Office from Raleigh on today, your request for Dr. Ettner to be present has been denied. I apologize for any inconvenience this may have caused. Please advise if you would like a legal visit with your client on Wednesday, March 30, 2022.

Thanks,

Sharon Baldwin

Visitation Officer

NC Department of Public Safety & Juvenile Justice

Anson Correctional Institution #4575

P.O. Box 280

Polkton, NC 28135

Phone: 704-272-4943

Fax: 704-694-1730

sharon.baldwin@ncdps.gov

<http://www.ncdps.gov/>

From: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Sent: Thursday, March 24, 2022 7:53 AM

To: Baldwin, Sharon <Sharon.Baldwin@ncdps.gov>; Richardson, Miranda <Miranda.Richardson@ncdps.gov>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; rettner@aol.com <rettner@aol.com>; Michele Delgado <mdelgado@acluofnc.org>

Subject: Re: [External] Request for Legal Visit with Prisoner Kanautica P. Zayre-Brown, OPUS No. 0618705 on March 30, 2022

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Dear Ms. Baldwin and Ms. Richardson,

Per my phone conversation this morning with Ms. Richardson, I understand that Anson CI has not yet been able to approve our visit because we did not state the explicit reason why our retained expert Dr. Ettner, a psychologist, would be attending this visit. Ms. Richardson conveyed that if Dr. Ettner intends to visit in order to provide a medical evaluation, that needs to be stated explicitly in the visitation request. Accordingly, please find attached an updated version of our formal request for visitation that reflects that Dr. Ettner's attendance is needed in order for her to conduct an evaluation of Ms. Zayre-Brown.




Given that we have to arrange travel, we would greatly appreciate confirmation of this request as soon as possible.

Please do not hesitate to reach out if you have any other questions or concerns.

Best,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney
ACLU of North Carolina Legal Foundation
PO Box 28004, Raleigh NC 27611
O: 919-354-5070 | C: 919-666-7032
   | acluofnc.org

From: Baldwin, Sharon <Sharon.Baldwin@ncdps.gov>

Sent: Wednesday, March 23, 2022 8:46 AM

To: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; rettner@aol.com <rettner@aol.com>; Michele Delgado <mdelgado@acluofnc.org>

Subject: Re: [External] Request for Legal Visit with Prisoner Kanautica P. Zayre-Brown, OPUS No. 0618705 on March 30, 2022

Good Morning,

Your request is being reviewed.

Thanks,

Sharon Baldwin
Visitation Officer
NC Department of Public Safety & Juvenile Justice
Anson Correctional Institution #4575
P.O. Box 280
Polkton, NC 28135
Phone: 704-272-4943
Fax: 704-694-1730
sharon.baldwin@ncdps.gov
<http://www.ncdps.gov/>

From: Jaclyn Maffetore <jmaffetore@acluofnc.org>
Sent: Tuesday, March 22, 2022 4:43 PM
To: Baldwin, Sharon <Sharon.Baldwin@ncdps.gov>
Cc: Daniel Siegel <dsiegel@acluofnc.org>; rettner@aol.com <rettner@aol.com>; Michele Delgado <mdelgado@acluofnc.org>
Subject: Re: [External] Request for Legal Visit with Prisoner Kanautica P. Zayre-Brown, OPUS No. 0618705 on March 30, 2022

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Hi Ms. Baldwin,




I'm following up to see whether you can confirm our requested legal contact visit with Ms. Zayre-Brown from 11am until approximately 2pm on March 30. Travel arrangements must be made regarding this visit, including booking flights, and we would greatly appreciate a confirmation as soon as possible to facilitate those travel arrangements.

If you are not able to confirm at this time, could you please let me know by when you might be able to confirm?

Thank you,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney
ACLU of North Carolina Legal Foundation
PO Box 28004, Raleigh NC 27611
O: 919-354-5070 | C: 919-666-7032
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From: Baldwin, Sharon <Sharon.Baldwin@ncdps.gov>
Sent: Monday, March 21, 2022 11:51 AM
To: Jaclyn Maffetore <jmaffetore@acluofnc.org>
Cc: Daniel Siegel <dsiegel@acluofnc.org>; rettner@aol.com <rettner@aol.com>
Subject: Re: [External] Request for Legal Visit with Prisoner Kanautica P. Zayre-Brown, OPUS No. 0618705 on March 30, 2022

Good Morning,

Just wanted to update you. I'm still waiting on permission.

Thanks,

Sharon Baldwin
Visitation Officer
NC Department of Public Safety & Juvenile Justice
Anson Correctional Institution #4575
P.O. Box 280
Polkton, NC 28135
Phone: 704-272-4943
Fax: 704-694-1730
sharon.baldwin@ncdps.gov
<http://www.ncdps.gov/>

From: Jaclyn Maffetore <jmaffetore@acluofnc.org>
Sent: Friday, March 18, 2022 8:59 AM
To: Baldwin, Sharon <Sharon.Baldwin@ncdps.gov>
Cc: Daniel Siegel <dsiegel@acluofnc.org>; rettner@aol.com <rettner@aol.com>
Subject: [External] Request for Legal Visit with Prisoner Kanautica P. Zayre-Brown, OPUS No. 0618705 on March 30, 2022

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Good morning, Ms. Baldwin,

As a follow-up to our phone call yesterday, I am writing to schedule an appointment for a contact legal visit at 11:00 a.m. on Wednesday, March 30, 2022 with our client, Kanautica P. Zayre-Brown, OPUS # 0618705. As we discussed, an in-person legal visit is necessary so that our client can review and sign legal documents regarding a time sensitive matter, among other reasons.

I will be attending this visit, along with ACLU-NC Staff Attorney Dan Siegel and our associate, Dr. Randi Ettner, who has been retained to consult regarding Ms. Zayre-Brown's legal matters.

Please find the following attached:

- A scan of my North Carolina Driver's License (#000031928590).
- A scan of my North Carolina Bar Card (#50849).
- A scan of Mr. Siegel's North Carolina Driver's License (#000022184171) and North Carolina Bar Card (#46397).
- A scan of Dr. Ettner's Illinois Driver's License (#C535-7305-1755)
- A scan of Dr. Ettner's professional license (#071.002646).

I have also attached a formal request on our letterhead for your records.

We will need the scheduled meeting to last approximately three hours. We are intending to bring notepads, pens and pencils, and notes and files pertaining Ms. Zayre-Brown's legal matters.

Please let me know if you have any questions, comments, or concerns, and thank you for your timely

response to this request.

Sincerely,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney

ACLU of North Carolina Legal Foundation

PO Box 28004, Raleigh NC 27611

O: 919-354-5070 | C: 919-666-7032



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EXHIBIT B

RE: [External] Request for Assistance Facilitating Legal Visit with Kanautica Zayre-Brown

Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Tue 3/29/2022 7:57 PM

To: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; Taylor Brown <TBrown@aclu.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>

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Jaclyn:

Thanks for your email. I want to be clear that we are not permanently foreclosing a visit by a medical expert in the context of litigation, but that is not the situation with Ms. Zayre-Brown. I hope you can understand that there are many reasons why we cannot allow access to outside medical professionals for all offenders, which is the basis for the policy. We have arranged for you to have legal calls and meetings with your client. Please let us know if you require additional visits by the legal team.

Thanks,

Jodi

From: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Sent: Monday, March 28, 2022 8:14 AM

To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; Taylor Brown <TBrown@aclu.org>; cbrook@pathlaw.com

Subject: Re: [External] Request for Assistance Facilitating Legal Visit with Kanautica Zayre-Brown

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Jodi,

I understand your position that no DPS policy permits a prisoner to undergo a medical or mental health evaluation by a privately retained doctor in connection with litigation. But our client has a legal right to such an evaluation even if it is not contemplated by DPS policy. *See De'lonta v. Clarke*, No. 7:11-CV-00257, 2013 WL 4584684, at *2 (W.D. Va. Aug. 28, 2013) (granting motion to compel access to privately retained doctor for incarcerated plaintiff with gender dysphoria); *Silverstein v. Fed. Bureau of Prisons*, 2009 WL 1451684, *4 (D. Colo. May 20, 2009) (compelling motion to make prisoner plaintiff available for medical examination by his own expert and stating that "it is beyond cavil that a plaintiff may retain its own expert medical witness to examine himself and render opinion testimony at trial").

DPS is therefore acting unlawfully by denying our request. If necessary, we will seek appropriate

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sanctions including attorney's fees and costs associated with any motion to compel. Please let me know if you will reconsider your decision.

Sincerely,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney

ACLU of North Carolina Legal Foundation

PO Box 28004, Raleigh NC 27611

O: 919-354-5070 | C: 919-666-7032

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From: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Sent: Friday, March 25, 2022 10:57 AM

To: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; Taylor Brown <TBrown@aclu.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>

Subject: RE: [External] Request for Assistance Facilitating Legal Visit with Kanautica Zayre-Brown

Jaclyn:

It is my understanding that the doctor's purpose is not to visit in the usual sense but rather to conduct a mental health evaluation. I don't think any part of our visitation policy contemplates a provider, unaffiliated with DPS, accessing the facility to evaluate an offender.

Thanks,

Jodi

From: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Sent: Friday, March 25, 2022 10:51 AM

To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; Taylor Brown <TBrown@aclu.org>; cbrook@pathlaw.com

Subject: Re: [External] Request for Assistance Facilitating Legal Visit with Kanautica Zayre-Brown

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Jodi,

This doctor has been retained to consult upon and assist with Ms. Zayre-Brown's legal representation. Is it your position that her visit would not be allowed under the DPS policy that you have attached under any circumstance (e.g. not even under provision (f) which allows for "special visitors"), or simply that she does not qualify for a "legal" visit? Is there another DPS policy that applies to this situation?

Thanks,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney

ACLU of North Carolina Legal Foundation

PO Box 28004, Raleigh NC 27611

O: 919-354-5070 | C: 919-666-7032

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From: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Sent: Friday, March 25, 2022 10:28 AM

To: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; Taylor Brown <TBrown@aclu.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>

Subject: RE: [External] Request for Assistance Facilitating Legal Visit with Kanautica Zayre-Brown

Jaclyn:

An evaluation by a doctor is not a legal visit. I have attached our legal visitation policy for your review. I will advise the facility that the doctor's visit should be disapproved. If you wish to schedule a legal visit involving legal staff as provided per policy, I will ask the facility to immediately accommodate that. My apologies for any inconvenience the facility's hesitation may have caused.

Thanks,

Jodi

From: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Sent: Friday, March 25, 2022 10:02 AM

To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Cc: Daniel Siegel <dsiegel@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; Taylor Brown <TBrown@aclu.org>; cbrook@pathlaw.com

Subject: [External] Request for Assistance Facilitating Legal Visit with Kanautica Zayre-Brown

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Jodi,

I'm writing about a request for a legal visit with our client at Anson CI. On March 17, I spoke with Anson CI visitation officer Sharon Baldwin by phone, letting her know that we needed to schedule an in-person visit on March 30 with myself, other ACLU-NC attorneys, and a doctor we have retained to evaluate our client. In addition to the evaluation, the purpose of the visit would be for Ms. Zayre-Brown to review and sign legal documents in a timely manner; our legal mail sent to and from DPS prisons can take weeks to be delivered, and is sometimes not delivered at all. I asked Ms. Baldwin what would be necessary to submit in order for this visit to take place, and I was told that along with the formal request on letterhead indicating the date, time, attendees, and items we would need to bring into the prison, I would need to submit the doctor's photo identification and credentials. On March 18, I submitted the formal request on ACLU-NC letterhead to Anson CI for the March 30 in-person visit with the information and documentation Ms. Baldwin indicated as necessary.

I followed up with Ms. Baldwin seeking confirmation for the visit so that we could schedule required travel, but did not receive any. The morning of Thursday, March 24, nearly a week after making our formal request, I received a call from Ms. Miranda Richardson in which she informed me that the doctor's attendance at the visit would not be approved unless I amended our request to explicitly include the fact that she would be attending in order to provide an evaluation. The necessity for this information was not communicated to me when I spoke with Ms. Baldwin on March 17 prior to sending the formal request, or in our subsequent email communications. Nevertheless, as you can see in the attached email, I sent an updated request to Ms. Baldwin and Ms. Richardson within minutes of our phone call.

We complied with all applicable DPS policies and the directions of prison staff, and this visit would not require any accommodations beyond a normal legal visit. However, our request is still being "evaluated" and we have not received any word as to when the visit will be approved. This is unacceptable. Coordinating travel schedules involves time and expense. More importantly, Ms. Zayre-Brown has a legal right to confer with us in-person -- and we have a right to confer with her -- in a timely manner when the circumstances require it. This visit is urgent and its approval cannot continue to be delayed indefinitely.

I am therefore asking your help to facilitate our legal visit. If DPS continues to deny access to our client, we will have no choice but to seek relief in court. Please let me know if you require any further information.

Sincerely,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney

ACLU of North Carolina Legal Foundation

PO Box 28004, Raleigh NC 27611

O: 919-354-5070 | C: 919-666-7032

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EXHIBIT C

RE: Expert visit request — Zayre-Brown v. NCDPS

Rodriguez, Orlando <orodriguez@ncdoj.gov>

Wed 5/4/2022 11:00 AM

To: Daniel Siegel <dsiegel@acluofnc.org>; Brennan, Stephanie <Sbrennan@ncdoj.gov>

Cc: Jaclyn Maffetore <jmaffetore@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>; Taylor Brown <TBrown@aclu.org>; Michele Delgado <mdelgado@acluofnc.org>

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Good morning Dan,

We appreciate your patience. The facility can accommodate the expert visit on a Wednesday.

Friday, May 11, will not work, nor would another Friday. At Anson, general visitation occurs on Fridays and occurs in the same space necessary to accommodate this expert visit. So accommodating this visit on May 11, or another Friday, would mean cancelling or not scheduling general visitation for the other folks housed there.

Your team can coordinate the visit directly through Jodi Harrison who can facilitate the logistics.

Be well,

Orlando

Special Deputy Attorney General

Special Litigation Section

Phone: 919.716.6516

orodriguez@ncdoj.gov

Please note messages to or from this address may be public records.

From: Rodriguez, Orlando**Sent:** Monday, May 2, 2022 3:37 PM**To:** Daniel Siegel <dsiegel@acluofnc.org>; Brennan, Stephanie <Sbrennan@ncdoj.gov>**Cc:** Jaclyn Maffetore <jmaffetore@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>; cbrook@pathlaw.com; Taylor Brown <TBrown@aclu.org>; Michele Delgado <mdelgado@acluofnc.org>**Subject:** RE: Expert visit request — Zayre-Brown v. NCDPS

Hi Dan,

Thank you for the email. Let us discuss with our clients and get back to you

[Case 3:22-cv-00191-MOC-DCK](#) [Document 22-2](#) [Filed 08/02/22](#) [Page 20 of 27](#)

soon.

Be well,

Orlando

Special Deputy Attorney General
Special Litigation Section
Phone: 919.716.6516
orodriguez@ncdoj.gov

Please note messages to or from this address may be public records.

From: Daniel Siegel <dsiegel@acluofnc.org>
Sent: Monday, May 2, 2022 11:05 AM
To: Brennan, Stephanie <Sbrennan@ncdoj.gov>; Rodriguez, Orlando <orodriguez@ncdoj.gov>
Cc: Jaclyn Maffetore <jmaffetore@acluofnc.org>; Jon Davidson <JonDavidson@aclu.org>;
cbrook@pathlaw.com; Taylor Brown <TBrown@aclu.org>; Michele Delgado <mdelgado@acluofnc.org>
Subject: Expert visit request — Zayre-Brown v. NCDPS

Stephanie and Orlando,

A few weeks ago, we requested an in-person visit with Mrs. Zayre-Brown in which Dr. Randi Ettner, who has been retained for this litigation, would conduct a psychological evaluation. DPS denied the request, but Jodi Harrison explained that was because litigation had not yet commenced. Now that it has, we are renewing our request for Dr. Ettner and plaintiff's counsel to have in-person access to our client. As we explained to Jodi, Mrs. Zayre-Brown has a right of timely access to experts she has retained for the purpose of litigation. *See De'lonta v. Clarke*, No. 7:11-CV-00257, 2013 WL 4584684, at *2 (W.D. Va. Aug. 28, 2013) (granting motion to compel access to privately retained doctor for incarcerated plaintiff diagnosed with gender dysphoria). We would like the visit to take place on May 13. It would last at least three hours.

If you would like to discuss this request, please let me know as soon as possible. We intend to seek relief from the court if we cannot reach an agreement.

Sincerely,
Dan

Daniel K. Siegel
(he, him, his)
Staff Attorney
ACLU of North Carolina
P.O. Box 28004
Raleigh, NC, 27611
919-307-9242

EXHIBIT D

RE: [External] Zayre-Brown v. NCDPS -- Expert visit request

Tonya Sayball (NCDPS) <tonya.sayball@ncdps.gov>

Tue 5/17/2022 3:21 PM

To: Jaclyn Maffetore <jmaffetore@acluofnc.org>; Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>; Daniel Siegel <dsiegel@acluofnc.org>

Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>

This Message Is From an External Sender

This message came from outside your organization.

Good Afternoon,

I have confirmed with Warden Richardson, a scheduled visit on Wednesday, May 25, 2022, from 12:00 p.m. until 4:00 p.m.

Please let me know if you have any questions.

Tonya W. Sayball

Paralegal II

NCDPS

Office of General Counsel

4201 Mail Service Center

Raleigh, NC 27699

Office 919-436-3128

Cell: 919-602-5485

Email: tonya.sayball@ncdps.gov

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From: Jaclyn Maffetore <jmaffetore@acluofnc.org>

Sent: Tuesday, May 17, 2022 1:51 PM

To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>; Daniel Siegel <dsiegel@acluofnc.org>; Tonya Sayball (NCDPS) <tonya.sayball@ncdps.gov>

Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>

Subject: Re: [External] Zayre-Brown v. NCDPS -- Expert visit request

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Jodi and Ms. Sayball,

I wanted to follow up regarding our request for a visit between Mrs. Zayre-Brown and Dr. Etiner on Wednesday, May 25. Can you confirm the visit for that date? As it is just over a week away, we would appreciate confirmation so that we can arrange for travel.

Please let us know if you need anything additional from us to confirm the visit for May 25.

Thanks,

Jaclyn Maffetore

Pronouns: she/her/hers

Staff Attorney

ACLU of North Carolina Legal Foundation

PO Box 28004, Raleigh NC 27611

O: 919-354-5070 | C: 919-666-7032

   | acluofnc.org

From: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Sent: Wednesday, May 11, 2022 11:05 AM

To: Daniel Siegel <dsiegel@acluofnc.org>; Tonya Sayball (NCDPS) <tonya.sayball@ncdps.gov>

Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Jaclyn Maffetore <jmaffetore@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>

Subject: RE: [External] Zayre-Brown v. NCDPS -- Expert visit request

Thanks, Dan. I'm including our paralegal Tonya Sayball on this email, she'll be in touch regarding scheduling.

Thanks,

Jodi

From: Daniel Siegel <dsiegel@acluofnc.org>

Sent: Wednesday, May 11, 2022 10:03 AM

To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Jaclyn Maffetore <jmaffetore@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>

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In that case, we'll do Wednesday, May 25. We're working out travel arrangements, but for now we'd appreciate holding a tentative 1:00 PM start time. Thank you.

Daniel K. Siegel

(he, him, his)

Staff Attorney

ACLU of North Carolina

P.O. Box 28004

Raleigh, NC, 27611

919-307-9242

From: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Sent: Tuesday, May 10, 2022 11:57 AM

To: Daniel Siegel <dsiegel@acluofnc.org>

Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Jaclyn Maffetore <jmaffetore@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>

Subject: RE: [External] Zayre-Brown v. NCDPS -- Expert visit request

Hi, Dan:

Anson reports that they cannot accommodate a 3-hour video call, they are not staffed for that. There is no witt in the areas of the facility where the oflenders have access. The Warden indicates they can accommodate your meefing on any Wednesday and probably on a Tuesday if that is preferable.

Thanks,

Jodi

From: Daniel Siegel <dsiegel@acluofnc.org>
Sent: Tuesday, May 10, 2022 8:05 AM
To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>
Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Jaclyn Maffetore <jmaffetore@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>
Subject: Re: [External] Zayre-Brown v. NCDPS -- Expert visit request

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Good morning, Jodi. Bumping this in your inbox -- please let us know if you have an update. If Anson has wi-fi, I believe one of Mrs. Zayre-Brown's attorneys could simply set up a laptop for her in an office, conference room, or other space that would provide some privacy.

Daniel K. Siegel

(*he, him, his*)

Staff Attorney

ACLU of North Carolina

P.O. Box 28004

Raleigh, NC, 27611

919-307-9242

From: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>
Sent: Wednesday, May 4, 2022 11:28 AM
To: Daniel Siegel <dsiegel@acluofnc.org>
Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Jaclyn Maffetore <jmaffetore@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com <cbrook@pathlaw.com>; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>
Subject: RE: [External] Zayre-Brown v. NCDPS -- Expert visit request

Hi, Dan, hope you're well.

I'm not sure of Anson's VC capabilities, if three hours would be too long for VC, or flexibility, but I can tnd out. I'll try to get back to you promptly.

Jodi

From: Daniel Siegel <dsiegel@acluofnc.org>

Sent: Wednesday, May 4, 2022 11:25 AM

To: Harrison, Jodi (CCPS) <jodi.harrison@ncdps.gov>

Cc: Rodriguez, Orlando <orodriguez@ncdoj.gov>; Brennan, Stephanie A <sbrennan@ncdoj.gov>; Jaclyn Maffetore <jmaffetore@acluofnc.org>; Michele Delgado <mdelgado@acluofnc.org>; Lauren Robbins <lrobbins@acluofnc.org>; cbrook@pathlaw.com; Taylor Brown <TBrown@aclu.org>; Jon Davidson <JonDavidson@aclu.org>

Subject: [External] Zayre-Brown v. NCDPS -- Expert visit request

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Good morning, Jodi. I just heard from Defendants' counsel in this case that Anson CI can accommodate a visit between Mrs. Zayre-Brown and Dr. Ettner on a Wednesday of this month, and that I should contact you to work out the logistics. Before we settle on a date, will you please let me know if the facility could accommodate a confidential video call with Dr. Ettner, and if so, whether scheduling that would allow more flexibility than an in-person visit? Thank you.

Best regards,
Dan

Daniel K. Siegel

(he, him, his)

Staff Attorney

ACLU of North Carolina

P.O. Box 28004

Raleigh, NC, 27611

919-307-9242

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